

Moultonborough Planning Board
P.O. Box 139
Moultonborough, NH 03254

Regular Meeting

June 23, 2010

Minutes

Present: Members: Natt King, Chris Maroun, Peter Jensen, Ed Charest (Selectmen's Representative); Town Planner: Dan Merhalski

Alternates: Keith Nelson

Excused: Members: Joanne Coppinger, Judy Ryerson, Jane Fairchild

Mr. King called the regular meeting to order at 7:00 P.M and appointed Keith Nelson to sit on the board with full voting privileges in place of Judy Ryerson.

I. Pledge of Allegiance

II. Approval of Minutes

Mr. Nelson noted he was seated as a voting member for the first few minutes of the meeting until Mr. Maroun arrived at 7:05, and that he had made the motion to approve the minutes of May 26th.

Motion: Mr. Charest moved to approve the Planning Board Minutes of June 9, 2010.
Voted on as amended, carried unanimously.

III. New Submissions

1. The Pepper Mill, LLC (170-17)(5 Whittier Highway)
Site Plan Review

Mr. King stated this was a new submission for site plan review. Mr. King stated that there were a number of issues and the Town Planner had been in contact with Town Counsel and Jim Hambrook, agent for the applicant.

Mr. Hambrook commented in light of Town Counsel's opinion on the grandfathering, they were withdrawing the application, and will proceed through the ZBA and then come back to the Planning Board as they do not have a date certain to request a continuance this evening. Mr. Hambrook stated they were aware they will need to re-notice abutters when they resubmit, and requested that the application fee be waived when they resubmit. The board stated the applicant should request the application fee be waived at the time of resubmission.

Motion: Mr. Charest moved to grant the request for withdrawal of the application for site plan review submitted by **The Pepper Mill, LLC (170-17)** without prejudice, seconded by Mr. Jensen, carried unanimously.

IV. Boundary Line Adjustments

V. Hearings

1. Continuation of Public Hearing - Ambrose Bros., Inc. (24-4.3, 4.4, 4.5, 4.6, 4.7)
(Holland Street) Subdivision Amendment

Mr. King noted the board had continued the hearing at their meeting on June 9th to allow time for the applicant to provide a revised Drainage Report with calculations for a 50-Year storm.

Ed Ambrose, representing Ambrose Bros., Inc., stated at the prior hearing the board had requested further information regarding the retention pond, calculations for a 50-year storm and that the check dams should be located within the Right of Way, or within the drainage and maintenance easement. Mr. Ambrose stated they had a test pit completed and the results done by Chip Bollinger were sent to Fluets Engineering. Mr. Fluets completed a revised drainage report which meets the 50-year storm requirement. A few minor issues remaining are noted on the plan regarding the easements and check dams.

It was noted there were no further questions from the board or public.

Mr. Merhalski had prepared a draft Notice of Decision for the subdivision amendment. Mr. Merhalski reviewed the Notice with the applicant and board. It was noted the Notice of Decision must be recorded at the Carroll County Registry of Deeds in accordance with state statute.

Motion: Mr. Nelson moved to approve the subdivision amendment for **Ambrose Bros., Inc. (24-4.3, 4.4, 4.5, 4.6, 4.7)** subject to compliance with the Draft Notice of Decision as set forth this evening, seconded by Mr. Charest, carried unanimously.

VI. Informal Discussions

VII. Unfinished Business

Mr. Nelson noted he had two items he would like to discuss. The first was relating to the memo to Town Counsel regarding grandfathering of the size and location of parking. Mr. Nelson questioned the extent of grandfathering, noting he didn't know that in the past that the board has said that after one year, non-conforming parking spaces would need to now be 10' x 20'. Mr. Nelson questioned where the "one year" period came from. Mr. Merhalski stated the Zoning Ordinance has reference to abandonment and discontinuance, based on the structure, with one year to rebuild. In speaking with the Code Enforcement Officer, as the site (Tax Map 170 Lot 17) had not been used for two or three years, discontinuance had occurred, so they had lost their grandfathering rights. Mr. Nelson stated the board has not established a period of time for discontinuance or abandonment, and if it was always the intention to use the property for the same use, that it hasn't been abandoned. If the use is the same as what it was previously, and that as long as not too much time had gone by, then it usually would be considered a continuance of use. In the case of Tax Map 170 Lot 17, it is a change of use, and it has been two or three years since it has been used. Mr. Nelson questioned "What's too much time?" Mr. Merhalski stated that is what needs to be defined and he is going to recommend this when amendments are proposed for the zoning ordinance.

Mr. Nelson questioned the status of the fee schedule, noting it was discussed at the BoS meeting last week. The BoS is going to review this again on July 1st as there were only three members present last week. There was a lengthy discussion at the BoS meeting with one noting their concern with the large scale in jump between the old fees and the new proposed fees, and there was discussion about breaking down the fees and spread the increase out over two years. Mr. Nelson would like to make certain that the BoS was aware the PB had a similar discussion at their board level. Mr. Charest stated they were.

Mr. King questioned the status of the Zoning Ordinance Enforcement and Violation Issues, the on-site visits and letters. Mr. Merhalski stated they have started the research on the properties, with the Code Enforcement Officer working on about a third of them on his own. They will proceed with the list, which may take a few months to get the research, letters and on-site visits completed and he will update the board sometime in the early fall.

Mr. Charest stated that he had been contacted by Don Mason, abutter to Dixon Recreational Campground. Mr. Mason said that there has been additional cutting and other changes made to the site. It was noted that this is one of the properties included on the memo of Zoning Ordinance Enforcement and Violations Issues that is being worked on by the Planner and CEO.

Mr. King noted that there is a work session scheduled for June 30th. Mr. Merhalski referred to the Work Plan adopted by the Board, noting there was the Revision of the Site Plan and Subdivision Regulations scheduled for this summer and asked if the board would like to take them up on the 30th. Mr. Merhalski will also update the Board in regards to the Work Force Housing Statute, what the LRPC is doing and the status of Access Management and the Memorandum of Understanding with NHDOT. Another item was a discussion relating to requests for continuance, how many should be granted and for what time frame.

VIII. Other Business/Correspondence

1. Zoning Board of Adjustment Draft Minutes of June 16, 2010 were noted.
2. Selectmen's Draft Minutes of June 17, 2010 were noted.

IX. Committee Reports

- X. Adjournment:** Mr. Nelson made the motion to adjourn at 7:31 PM, seconded by Mr. Maroun, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant